



Capitol Update 2011

a newsletter from State Senator Craig Estes, Senate District 30



The Senate of The State of Texas

Senator Craig Estes

District 30

Fellow Texans,

Thank you for the privilege to represent you in the Texas Senate, it is an honor I take very seriously. I am grateful for the opportunity to update you on the important issues we faced in the 82nd Legislative Session.

The Texas Legislature convened in January for its 82nd regular session as it is defined in the Texas Constitution, which calls for our citizen legislature to meet for 140 days every odd-numbered year. Also, Governor Perry called a special session immediately following the regular session, so the legislature met for a total of 170 days.

Despite the financial struggles that we as a state faced, the Senate was able to pass a balanced budget of \$172.5 billion over two years. The Texas Legislature was able to cut state spending by nearly \$15 billion, close an estimated \$24 billion shortfall to balance the budget without raising taxes and save enough money in the Rainy Day Fund to balance the budget in the future.

As Chairman of the Senate Agriculture and Rural Affairs Committee, I worked with Governor Perry to designate my bill, Senate Bill 18, as emergency legislation. This landmark property rights legislation will protect Texas homeowners from abuse in eminent domain proceedings. I also co-authored legislation to require persons to show a photo identification in order to vote in Texas elections to protect the sanctity of the ballot.

I appreciate your taking the time to read this newsletter. As you read it, I hope you will find it informative on the broad variety of issues addressed by the Texas Legislature. As always, please feel free to contact me if you have any questions, concerns or legislative ideas that I ought to consider. Your involvement helps me better represent you in the Texas Senate.

God Bless,

Craig Estes
State Senator
District 30

INSIDE THIS CAPITOL UPDATE, YOU WILL FIND INFORMATION ON THE FOLLOWING LEGISLATION REGARDING:

- Budget
- Eminent Domain Reform (SB18)
- Voter Identification
- Education
- Health and Public Safety
- Agriculture and Rural Affairs
- Natural Resources
- Other important legislation I filed or supported

Budget

Throughout the budget process, the Senate remained committed to writing a balanced state budget that did not raise taxes and prioritized public education and other essential state services.

“The budget that we, as conservatives supported was a reinforcement of assurance to our taxpayers and the school children of Texas that we would balance the state budget with no tax increases and focus on a ‘Priorities First’ commitment,” Estes stated.

The Legislature will spend \$15 billion less than current spending levels, and Senator Estes opposed any efforts to raise taxes or grow the size of government in a down economy. Half a billion dollars more is being spent on public education than in the current biennium, with an increase of \$1.3 billion for the Foundation School Program to fund classroom and teacher salaries.

It was important to Senator Estes to protect the integrity of the State’s Rainy Day Fund by keeping reserves available for future emergencies. His priorities were not only to protect education and healthcare needs of Texans, but to examine ways to increase funding for public safety and our state’s border security.

Eminent Domain Reform

The Texas Legislature passed Senate Bill 18, by State Senator Craig Estes, which provides key reforms to the state’s eminent domain laws.

“I believe that private property and the right to own and profit from it, are fundamental to not only our economic liberty, but also our personal liberty,” Estes stated. “We know that Texas is thriving as a state and property is a valuable asset, but that growth should not come at the expense of property owners. This is the most important bill to strengthen private property rights for landowners.”

SB 18 makes several key revisions to current law, including requiring that condemning authorities make a good faith offer before condemnation procedures begin, prohibiting the taking of private property unless it is for a public use, improving notice and disclosure by condemning entities, applying condemnation rules to all condemning entities, and providing property owners with the opportunity to buy back property at the original purchase price if the taken property is not used for its public purpose within ten years.

One of the key provisions requires fair compensation for loss of access and for moving or relocation expenses from the condemning authority. Under SB 18, a property owner will be entitled to compensation for any loss of market value at the time of taking due to a material impairment of direct access to the land.

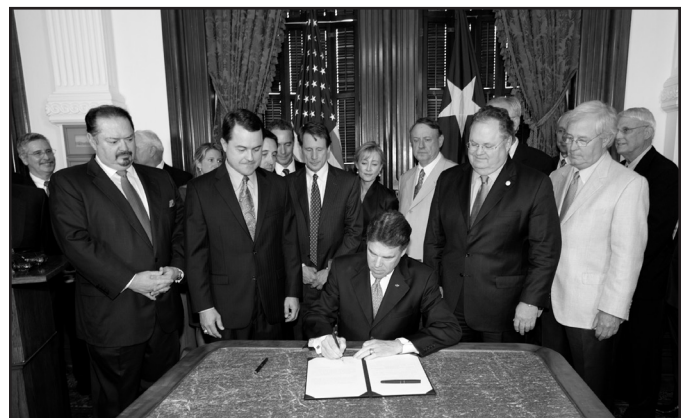
Senate Bill 18 provides meaningful comprehensive eminent domain reform and strengthens the rights of property owners against the use of eminent domain by government or other condemning authorities.



Senator Estes debates the merits of comprehensive Eminent Domain Reform on the Senate floor.

Other key provisions include authorizing property owners to construct roads over oil and gas pipeline easements, with certain restrictions, and requiring all entities with eminent domain authority to register with the state comptroller by December 31, 2012 or risk losing their condemnation authority.

The bill was declared an emergency item by Governor Perry.



Governor Perry signs SB 18, Senator Estes' eminent domain legislation, into law.

Voter Identification

Senator Estes joined with his colleagues as a coauthor of SB 178 to require registered voters to present valid photo identification when casting a ballot in Texas. “I believe that this measure is intended to protect the integrity of our elections, and to protect the rights of registered voters by ensuring that every vote cast is a legal vote,” Estes stated.

Texas law already provides for requiring photo identification if a registered voter does not provide their voter registration card, but is on the list of registered voters. SB 178 requires all voters to present a photo identification such as a drivers license or military identification card.

Senator Estes strongly believes that the public must have confidence that those serving in office at the local, state, and federal level are there by virtue of a legitimate democratic process.

Education - Local Impact

Senator Estes serves on the Senate Finance Committee. He had the opportunity to be very involved in working to create a budget that allows Texas to live within its means. He remains very proud of the Legislature’s work to **Balance** the state budget **with no tax increases**. Like many families

and businesses, the Legislature tightened its own belts and prioritized spending based on available revenue. Those priorities included:

- Funding public education; the Texas Legislature increased state funding for public schools by almost \$4 billion;
- Funding essential public safety/public health services;
- Saving the majority of state Rainy Day Fund (6.5 Billion left in RDF);
- Cutting \$15.2 billion from previous biennium expenditures;
- Extending the small business tax exemption for 2 years for businesses with annual revenues under \$1 million



Senator Estes joins Senator Shapiro at the "Education is our Priority" press conference held in the Senate Press Room of the Texas Capitol. The members met to address and discuss public education and the hurdles that were faced this Legislative Session. Also joining: Senators Patrick, Fraser and Nelson.

Honoring Those Who Served

Gold Star License Plates

Honoring those who made sacrifices for this country is of utmost importance, and Senator Estes recognized that veterans and families of those who served should be commemorated for the sacrifices that they have made.

Therefore, Senator Estes filed SB 896 in conjunction with Representative Laubenburg, which allows for the creation of "Gold Star Father" license plates, and more importantly, honors our fallen soldiers and their families. Specifically, SB 896 amends section 504.408 of the Transportation Code to read "Gold Star mother, father, spouse or family member". This bill is for the family members of the brave men and women of Texas who have made the ultimate sacrifice for our state and country.

Commemorating Corporal David Slayton

Senator Estes helped sponsor HB 314 by Representative Hardcastle which honors the life and career of DPS Trooper David Slaton of Bowie, Texas, who was killed in an on-duty traffic accident on the evening of September 20, 2010. Last year, the community of Bowie reached out to the Texas Department of Transportation to designate a portion of U.S. Highway 81 as the Corporal David Slaton Memorial Highway. The marker was approved and a ceremony took place on January 11th of this year to unveil the sign in his honor.

The trooper was a popular figure in the area known for his good humor and jovial personality. The death of Trooper Slaton was a great tragedy and an end to a 36-year distinguished career with DPS.



Senator Estes, alongside Governor Rick Perry, reads off the names of fallen soldiers at a memorial service during Session dedicated to honoring those who served and recognizing their families.

Health & Public Safety

Combating Methamphetamine Production

Under current state and federal law, the amount of nonprescription ephedrine, pseudoephedrine, or norpseudoephedrine, also known as PSE, that can be purchased is limited to prevent the diversion of PSE into methamphetamine production.

In 2005, the Texas Legislature passed HB 164 (Berman/Estes) which required a photo identification card for purchasing over-the-counter sales of PSE, as well as a logging system to keep track of these purchases. However, since the passage of this legislation, criminals realized that the paper logs kept by retailers are difficult to inspect and began to buy legal limits of the medication from various retailers, called "smurfing," in order to accumulate excessive amounts of these chemicals for meth production.

Estes sponsored HB 1137 which requires electronic tracking in real-time format of the sale of PSE products. A multi-state PSE electronic tracking/blocking system is a solution that will effectively stop individuals from purchasing legal limits of PSE and accumulating illegal quantities. This legislation will provide law enforcement with an effective tool to investigate those attempting to purchase illegal quantities of PSE and potentially lead them to those operating illegal meth labs.



Senator Estes leads the daily invocation before attending to the Senate's regular order of business.

K2 Ban

K2 (also known as "Spice" or "Synthetic Marijuana") is a compound created by a chemist that can be sprayed on any substance that can be smoked, usually incense. There is mounting anecdotal evidence of the danger that K2 poses to public health and safety. In fact, experts claim the health effects of this substance are more harmful than those of marijuana. This is why Senator Estes co-authored Senator Shapiro's SB 331, which aimed to eliminate this threat in communities across Texas. SB 331 criminalizes the manufacture, sale, and possession of the unregulated compounds by broadly defining subclasses of synthetic cannabinoids, but explicitly listing compounds that have been identified in products currently on the market.

Since January 2010, approximately 600 calls were made to the Texas Poison Center Network related to K2 exposure. Local communities were already taking steps to ban the drug and make it illegal to sell or use within their city limits. The U.S. Drug Enforcement Administration used its emergency scheduling authority to temporarily ban K2 or similar products.

Bath Salts Ban

The Texas Senate unanimously passed legislation that Senator Estes sponsored to ban the synthetic drugs known as "bath salts", and it was sent to the Governor's desk. HB 2118 adds the chemicals used to make the dangerous drugs to the Texas Controlled Substances Act.

Because bath salts are a very new drug, and thus have not seen widespread abuse, it was important to act swiftly and ban this substance before more lives were put in jeopardy. Senator Estes states, "I'm proud to have worked with my colleagues in the Legislature to pass this legislation."

This drug is marketed as a “bath salt” and is legal simply because the packaging labels it as “not for human consumption.” These drugs are snorted, ingested, or injected, and can cause paranoia, hallucinations, and psychosis. These hallucinogenic episodes are very dangerous and have led to death.

“The passage of HB 2118 is a tremendous achievement that will protect our children.”

2nd Amendment Rights

Senator Estes passed SB 766 to protect the state’s shooting ranges from encroaching urbanization. With the state’s growing population, many shooting ranges in areas that used to be rural are being harassed in court by their new suburban neighbors. Many of these cases involve fraudulent evidence and impossible allegations. This bill requires people who sue a shooting range to submit expert evidence in support of their cases to ensure that their claims are legitimate. The bill also gives municipalities authorization to shut down dangerous ranges that are not built in accordance with generally accepted industry standards.

Senator Estes carried HB 2560 (Rep. White) to require the Department of Family and Protective Services to allow foster parents who are licensed to carry concealed handguns to exercise their Second Amendment rights. The Department had a rule in its regulations that said foster parents could not have a handgun in a car where the foster child was present even though it allowed CHL holder’s to keep their handgun at home. This bill invalidates that rule and allows foster parents who have concealed carry permits to carry in the car with their foster children.

Senator Estes also supported legislation extending gun owner rights in employer parking lots.



Senator Estes discusses legislation during a committee meeting.

Immigration/Border Security Upgrades

The federal government is failing this state miserably by not addressing illegal immigration. This forces the Texas Legislature to spend state resources to address what is a federal issue. But we’re Texans. We don’t wait to have someone in Washington fix things for us, we do it ourselves. Senator Estes worked to include an amendment to address illegal immigration with respect to agricultural and rural affairs interest. HB 4 directs the Texas Department of Agriculture (TDA) to study illegal border activity. This amendment to the Supplemental Appropriations Act allows the TDA to use funds already appropriated to assess the impact of illegal border activity on private, and specifically rural, landowners as well as agriculture production and trade in the border region. The goal is to assess the problem and the federal resources that could be requested or utilized to enhance efforts to secure the border. This directive focuses on the impact to private property owners along the border, especially those located in rural areas of the state where

infrastructure and resources may be more scarce. TDA staff have begun cursory research on this topic and discovered that no other organization or agency appears to be doing this specific type of research. This amendment would provide the legislative buy-in and authorization needed to get this research started.

While **SB 9** (omnibus border and homeland security bill) failed to pass in the Texas House during the regular session, many important provisions of the bill were passed in other pieces of legislation and in the budget, including:

The Budget, (HB 1, Regular Session)

Nearly doubled budget spending on border security including (\$219.5 million up from \$111 million)

- Increased funding for existing DPS officers that adds over 800,000 hours of service along the border each year
- A new high altitude surveillance aircraft & repairs/improvements to current high altitude surveillance fleet
- Expanding the number of high tech boats and waterway patrols
- Fiber optic technology for border vehicle crossing inspection
- Removed restriction on the use of license plate readers to identify stolen vehicles and patterns of crime

Related legislation that Senator Estes helped pass includes:

HB 242 (Regular Session)

Authorizes retired officers and Texas Rangers to assist on a voluntary basis with border security.

SB 1 (Special Session)

Allows DPS to refuse license for failure to prove lawful presence, which will crack down on those in the country illegally from obtaining a Texas driver’s license. It also makes driver’s licenses expire on the same day that lawful presence expires.



Senator Estes joined a morning press conference hosted by Agriculture Commissioner Todd Staples. The press conference was a chance for elected officials to provide updates on the wildfire status and raise awareness about the urgent need for support.

Wildfires

Our great state, with some of the most robust natural resources in this country, has been plagued this year by nearly 8,500 separate wildfires. Farmers, ranchers and communities of families are coping with the aftermath of a series of events that led to two and a half million acres of Texas lands consumed in fire. Times like this demonstrate how truly resilient Texans are when they come together with a common goal. Farmers and ranchers are responding to and recovering from this emergency in an economic downturn; many are already rebuilding fences and restoring operations.

These fires place a hardship on the Texas Forest Service and professional firefighters, but attention should be paid to the fact that 77 percent of the state’s fire service is staffed by volunteers. “Our state is grateful that we have courageous men and women across Texas who are fighting these fires and offering assistance and support to wildfire victims,” Estes stated. “The safety of those affected by these fires is of utmost priority. Since early April, my office has been working with local districts and the Governor’s Division of Emergency Management to make sure eligible counties will be able to recoup their firefighting costs with FEMA funds.” Senator Estes has also placed a comprehensive list

list of resources for victims of wildfires on his state website (listed below) and he worked with his house colleague, Representative Rick Hardcastle, in asking the Texas Forest Service to set up a fund to collect private donations for volunteer fire departments.

For a list of those resources, please visit Senator Estes' website at: <http://www.senate.state.tx.us/75r/Senate/members/dist30/pr11/p042111a.htm>

Agriculture

Senator Estes authored SB 248, a bill that provides enhanced protections for Texas grain producers by increasing bonding requirements for grain warehouses and securing additional enforcement authority for the Texas Department of Agriculture. Many farmers in Senate District 30 lost hundreds of thousands of dollars when 17 failed elevators closed their doors in a two-year time span. Constituents of Senate District 30 expressed concern about the current protections provided in law for the grain depositors. In response to those concerns, Senator Estes authored SB 248 and sponsored HB 1840. With the passage of HB 1840, producers now have the opportunity to vote in a referendum on whether to create and pay for a self-insurance program that will cover their losses when they are not paid for grain they deliver to a buyer or a storage facility. Passage of these new laws were top priority for Texas agricultural producers and the Texas Farm Bureau. Every year, hardworking farmers battle the weather and economy; they expect to trust that when grain is deposited, it will be measured and stored in accordance with the law.



Senator Estes speaks with the Texas Agricultural Lifetime Leadership on State Government - Issues and Policies. TALL XII includes 26 agribusiness leaders across the state and is designed to create a cadre of Texas leaders to help ensure effective understanding and encourage positive action in key issues, theories, policy and economics that will advance the agricultural industry.

As a rural Texas Senator, it is important that Senator Estes balance the need to cut the cost of state government with protecting vital programs important to rural Texas. SB 1086 by Senator Estes provides the TDA with specific authority necessary to raise revenue by implementing voluntary fees associated with economic development and marketing programs. This cost recovery legislation



Senator Estes accepts the "Friend of the Herd" award from The Texas Bison Association.

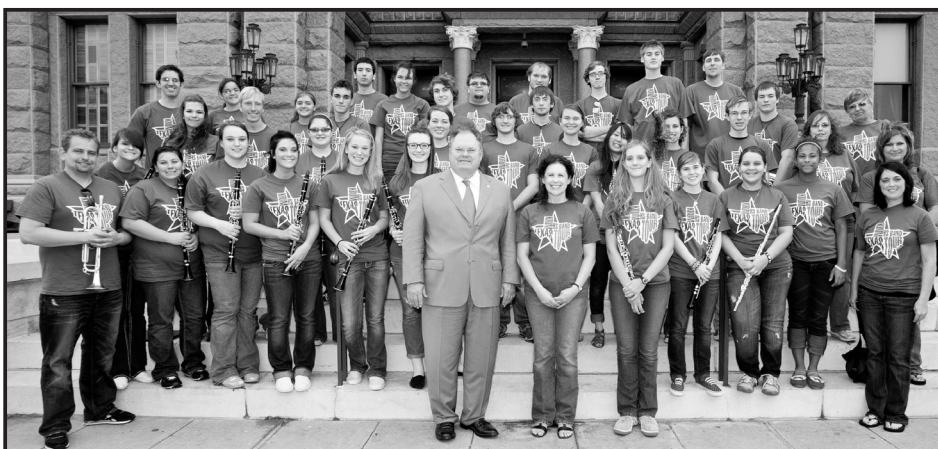
was crafted with input from rural leaders and industry groups and was necessary because the budget greatly reduces general revenue appropriations to programs designed to foster growth in rural communities. Agriculture currently represents 9.5 percent of the gross state product and employs one in seven working Texans. Economic development and marketing programs are key to the development and diversification of Texas agriculture and its products.

Natural Resources

Issues involving our state's natural resources impact all Texans. Regardless of where you live or your political leanings, most can agree that preserving our natural supply and reserve of clean accessible water, healthy air, and open land is critical to continued prosperity of all Texans. It is with these ideals in mind that Senator Estes filed SB 449 and Senate Joint Resolution 16. Together, these proposals add water stewardship to the list of land uses that qualify for appraisal based on the land's productive capacity, instead of market value.

To qualify for the exemption, landowners would need to implement 3 of 9 water quality and conservation measures, including restoring native aquatic species, promoting erosion control, and wetland habitat and buffer restoration. These proposals incentivize land owners to invest in projects to improve water quality and increase water conservation for the State. This new and innovative approach to preserving the State's water supply also provides landowners with another tool to better manage their property and incentivize doing so in a way that is not cost prohibitive. Over 90 percent of the land in Texas is privately owned and 83 percent of the land in Texas qualifies as open space land. All Texans rely on those open space landowners to protect and conserve water resources.

GET INVOLVED LOCALLY



PLEASE CONTACT ONE
OF MY DISTRICT OFFICES
TO INQUIRE ABOUT
UPCOMING EVENTS.



Senator Estes meets with the Krum High School Band. The students performed in the Capitol rotunda in May. One of Senator Estes' priorities is meeting with constituents while they visit the Texas Capitol. He also encourages constituents to get involved with their local communities.



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To sign up for my e-newsletter or follow updates, please visit my website:
<http://www.senate.state.tx.us/75r/Senate/members/dist30/dist30.htm>

USEFUL STATE GOVERNMENT TOLL-FREE NUMBERS

Office of Consumer Credit Commissioner Consumer Credit Helpline(800) 538-1579 Consumer Protection Division.....(888)782-8477 Texas No Call List Registration..... (866) TXNOCAL Social Security Administration (800) 772-1213	Family and Community Services(800) 422-2956 Mental Health Consumer Rights.....(800) 252-8154	Texas Department of Aging and Disability Services Area Agencies on Aging(800) 252-9240 Consumer Rights/Services(800) 458-9858 Complaint and Intake Management ..(800) 458-9858 Texas Department of Insurance Information and Assistance.....(800) 252-3439
Office of the Attorney General Child Support.....(800)252-8014 Consumer Protection Hotline(800) 621-0508 Crime Victim’s Compensation.....(800) 983-9933 Public Information and Assistance.(800) 252-8011	Texas Health and Human Services Commission 24-Hour Information and Referral Network 211 Disaster Assistance(800) 582-5233 Medicaid Hotline(800) 252-8263	Division of Workers’ Compensation Injured Worker Hotline.....(800) 252-7031 Safety Violations Hotline.....(800) 452-9595
Office of the Governor Citizen’s Assistance Hotline.....(800) 843-5789 Texas Department of Assistive and Rehabilitative Services General Information..... (800) 628-5115	Texas Department of Criminal Justice Crime Victim Clearinghouse.....(800) 848-4284 Offender Status Line.....(800) 535-0283	Texas Department of Public Safety Emergency Roadside Assistance(800) 525-5555 Missing Persons Clearinghouse.....(800) 346-3243 Texas Crime Stoppers Hotline(800) 252-TIPS
Texas Department of Family and Protective Services Texas Abuse/Neglect Hotline.....(800) 252-5400 Office of Consumer Affairs Hotline ..(800) 233-3405 Foster Care and Adoption Inquiry Hotline (800) 233-3405	Texas Department of Housing and Community Affairs Hotline..... (800) 792-1119 Citizen’s Opinion Hotline.....(800) 252-9600 Public Utility Commission.....(512)936-7000	Texas Medical Board Consumer Complaint Hotline(800) 201-9353
Texas Department of State Health Services Substance Abuse Services.....(866) 378-8440 WIC.....(800)942-3678	State Bar of Texas Grievance Information.....(800) 932-1900 Lawyer Referral Service.....(800) 252-9690 Texas Commission for Civil Rights(888) 452-4778	Texas Veterans Commission Veterans Hotline..... (800) 252-VETS
	Texas Commission on Environmental Quality Hotline.....(888) 777-3186	Texas Workforce Commission Unemployment Insurance Hotline(800) 558-832